UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,380	12/23/2005	Claus Gschiermeister	6741P089	1914

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EXAMINER
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ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/562,380*	GSCHIERMEISTER ET AL.
	Examiner	**Art Unit**	
	KimbleAnn Verdi	2194	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>24 August 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): <u>See Continuation Sheet</u>.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *NONE*.

   Claim(s) objected to: *NONE*.

   Claim(s) rejected: *1-28*.

   Claim(s) withdrawn from consideration: *NONE*.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Li B. Zhen/
Primary Examiner, Art Unit 2194

Continuation of 5. Applicant's reply has overcome the following rejection(s): 35 U.S.C. 101 rejection of claims 1-13 and the objection to the specification.

Continuation of 7: As to claim 1, Brodsky teaches the invention substantially as claimed including a computer-implemented method comprising:receiving a notification regarding a data object (i.e. "observed object") indicating a change to the data object (i.e. "Whenever a change is made to a specified observed object in the object hierarchy, the notification manager is informed", col. 4, lines 49-51); notifying, by the agent (i.e. "notification manager") an application (i.e. "observer object") about the change if the change is relevant for that application (i.e. "notifies the associated observer objects... with information concerning the change", col. 4, lines 54-57); and transmitting, by the agent (i.e. "notification manager") , the relevant changed data (i.e. "information concerning the change") to the application (i.e. "The observer objects monitoring the observed object are notified in an unspecified order with information concerning the change", col. 4, lines 55-57 – an observed object represents the application - and the information concerning the change must contain the changed data since- "The notification manager … invokes a function of the observed object provided by the BaseNotifier class to notify all observer objects registered with the observed object that the attribute A now has the name of "B"", col. 6, lines 36-41).

Brodsky does not explicitly disclose upon each receipt of the notification, requesting, by an agent executed by a computer system, changed data from the data object; and checking, by the agent, a plurality of entries representative of a plurality of applications maintained by the agent to determine whether the changed data is relevant for each application in the plurality of applications.

However Chow teaches upon each receipt of the notification (i.e. "step 451", Figure 38, "entry point 451 entered when a change notification is received by the Revision Manager from a server such as the file server 313 in FIG. 32, col. 29, lines 21-24), requesting (i.e. "request for the object", "step 459", Figure 38, "if a search specification is defined for the object, then the object is obtained from the network in step 459 by following the object's search specification. For example, the object identification code itself may specify a primary or unique source for the object, and in this case the Revision Manager directs a request over the network to the primary or unique source for the object", col. 29, lines 50-57), by an agent executed by a computer system (i.e. "Revision Manager") changed data from the data object (i.e. –the object obtained from the source "step 458 or 459" contains the changed data of the object- "Once the object has been obtained in step 458 or step 459, execution continues to step 460. Execution branches in step 460 depending on whether the object is of general interest. If the object is of general interest, then execution branches from step 460 to step 461. In step 461, execution branches depending on whether the object is in the cache. If not, then in step 462 the object and a time stamp are stored in the cache and the object is indexed in the directory of objects. If the object is in the cache, then in step 463 the change in the object is determined by comparing the new version of the object to the existing version in the cache, and the change is logged in the log of changes to the object (386 in FIG. 34) along with a time stamp", col. 30, lines 35-57); and checking (i.e. checks the list of clients), by the agent (i.e. "Revision Manager"), a plurality of entries (i.e. client item in object's interested client list), representative of a plurality of applications maintained by the agent (i.e. "Each item in the client list represents a client browser registering interest in the associated WWW document within the cached document file. The item is a data structure which contains the client's IP address, port number, updating interval, last time of update and a needs-to-be-updated flag", col. 20, lines 1-6, "The directory of clients 390 includes a list of the clients that are being serviced by the Revision Manager 301, col. 26, lines 27-29), to determine whether the changed data is relevant for each application (i.e. "If the client has a significant change detection method for the object, then execution continues from step 493 to step 494 where the processor of the Revision Manager applies the method to the change in the object to determine whether the change is significant to the client", col. 31, lines 45-49) in the plurality of applications (i.e. "In step 499, the processor of the Revision Manager checks whether the pointer is at the end of the list of clients interested in the object, and if so, the processor is finished processing the change notification. Otherwise, execution branches from step 499 to step 500, where the pointer is advanced to the next client in the object's interested client list. From step 500, execution loops back to step 492. In this fashion, all interested clients are notified of significant changes in the object", col. 31, lines 63-67 and col. 32, lines 1-2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the notification manager of Brodsky with the teachings of Revision Manager from Chow because this feature would have provided a mechanism which collects at a site convenient to a group of users a single cache of the most recent versions of documents so that all members of the group can have quick and inexpensive access, while the group as a whole can significantly reduce communication costs (col. 6, lines 57-62 of Chow).

Applicant's arguments filed on August 24, 2010 have been fully considered but they are not persuasive. In response to the Final Office Action dated July 7, 2010, applicant argues in regards to claims 1-28:

(1)   However, Chow does not disclose that the Revision Manager requests changed data from the object. Rather, Chow discloses that the entire object is obtained from the network. Furthermore, the clients in Chow issue a GET command to the Revision Manager to access the object which causes the clients to reload the entire object. See Chow, column 6 lines 7-15. Therefore, Chow does not disclose "requesting, by an agent executing in a computer system, changed data from the data object." (page 8, lines 33-37 and page 9, lines 1-2).

In response to argument (1), examiner respectfully disagrees and notes that Brodsky as modified by Chow discloses requesting, by an agent executing in a computer system, changed data from the data object.

Chow teaches "step 459", Figure 38, if a search specification is defined for the object, then the object is obtained from the network in step 459 by following the object's search specification. For example, the object identification code itself may specify a primary or unique source for the object, and in this case the Revision Manager directs a request over the network to the primary or unique source for the object", col. 29, lines 50-57, which represents the requesting, by an agent executed by a computer system, and "Once the object has been obtained in step 458 or step 459, execution continues to step 460. …If the object is in the cache, then in step 463 the change in the object is determined by comparing the new version of the object to the   existing version in the cache, and the change is logged in the log of

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changes to the object (386 in FIG. 34) along with a time stamp", col. 30, lines 35-57, which represents changed data from the data object is requested since the object obtained by the "Revision Manager" contains the changed data.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the notification manager of Brodsky with the teachings of Revision Manager from Chow because this feature would have provided a mechanism which collects at a site convenient to a group of users a single cache of the most recent versions of documents so that all members of the group can have quick and inexpensive access, while the group as a whole can significantly reduce communication costs (col. 6, lines 57-62 of Chow).

(2) However, the Examiner has not articulated "a finding that there was some teaching, suggestion, or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings" as required by M.P.E.P. §2143. Brodsky discloses a notification manager which acts as an intermediary between the observer object and the object hierarchy. See Brodsk3~, column 4 lines 26-28. The notification manager includes functions for notification over a network which allows distribution of the object hierarchy across a network with observer objects residing on multiple computers. See Brodsky, column 5 lines 51- 59. Therefore, there is no motivation to modify the notification manager ofBrodsky with the teachings of the revision manager of Chow to provide an intermediary between a client and a network server because Brodsky provides for this mechanism (page 9, lines 16-26).

In response to applicant's argument (2), that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and KSR International Co. v. Teleflex, Inc., 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the notification manager of Brodsky with the teachings of Revision Manager from Chow because this feature would have provided a mechanism which collects at a site convenient to a group of users a single cache of the most recent versions of documents so that all members of the group can have quick and inexpensive access, while the group as a whole can significantly reduce communication costs (col. 6, lines 57-62 of Chow).

(3) For at least the reasons mentioned above, the Examiner has failed to establish a prima facie case of obviousness because the Examiner has not established that Chow includes the element "requesting, by an agent executing in a computer system, changed data from the data object" as recited in Applicants' claim 1 and thus has not established that Brodsky and Chow include each element of claim 1, and the Examiner has not articulated a finding that there was some teaching, suggestion, or motivation to modify Brodsky with the teachings of Chow (page 9, lines 28-33).

In response to argument (3), examiner respectfully disagrees and notes that Brodsky as modified by Chow discloses requesting, by an agent executing in a computer system, changed data from the data object.

Chow teaches "step 459", Figure 38, if a search specification is defined for the object, then the object is obtained from the network in step 459 by following the object's search specification. For example, the object identification code itself may specify a primary or unique source for the object, and in this case the Revision Manager directs a request over the network to the primary or unique source for the object", col. 29, lines 50-57, which represents the requesting, by an agent executed by a computer system, and "Once the object has been obtained in step 458 or step 459, execution continues to step 460. ...If the object is in the cache, then in step 463 the change in the object is determined by comparing the new version of the object to the existing version in the cache, and the change is logged in the log of changes to the object (386 in FIG. 34) along with a time stamp", col. 30, lines 35-57, which represents changed data from the data object is requested since the object obtained by the "Revision Manager" contains the changed data.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the notification manager of Brodsky with the teachings of Revision Manager from Chow because this feature would have provided a mechanism which collects at a site convenient to a group of users a single cache of the most recent versions of documents so that all members of the group can have quick and inexpensive access, while the group as a whole can significantly reduce communication costs (col. 6, lines 57-62 of Chow).

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and KSR International Co. v. Teleflex, Inc., 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the notification manager of Brodsky with the teachings of Revision Manager from Chow because this feature would have provided a mechanism which collects at a site convenient to a group of users a single cache of the most recent versions of documents so that all members of the group can have quick and inexpensive access, while the group as a whole can significantly reduce communication costs (col. 6, lines 57-62 of Chow).

Continuation of 11. does NOT place the application in condition for allowance because: as stated in the Final Office action dated 7/7/2010, page 5, item 17 through page 8, item 20, Brodsky et al. as modified by Chow et al. teaches a computer-implemented method comprising: receiving a notification regarding a data object indicating a change to the data object; upon each receipt of the notification, requesting, by

an agent executed by a computer system, changed data from the data object; checking, by the agent, a plurality of entries representative of a plurality of applications maintained by the agent to determine whether the changed data is relevant for each application in the plurality of applications;notifying, by the agent, an application about the change if the change is relevant for that application; and transmitting, by the agent, the relevant changed data to the application.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the notification manager of Brodsky with the teachings of Revision Manager from Chow because this feature would have provided a mechanism which collects at a site convenient to a group of users a single cache of the most recent versions of documents so that all members of the group can have quick and inexpensive access, while the group as a whole can significantly reduce communication costs (col. 6, lines 57-62 of Chow).